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THEME:

EXECUTION OF EDUCATIONAL ARRANGEMENTS TO JUVENILES

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Introduction

The execution of educational arrangements as sanctions exists much earlier, and is not something new. It might be new the approach to this phenomenon, which is determined by socio-economic development level, criminal-political and psychological constraints, and nature of the legislation of a particular society.

Educational arrangements against juveniles are set out in international conventions on the rights of juveniles, or children, and their protection through resocialization, reintegration and their reeducation. This circumstance should be applied when, juveniles take penalties after they have committed a criminal offense, or are in conflict with the criminal law for juveniles in the Republic of Kosovo. In the Republic of Kosovo the case of the execution of educational arrangements against juveniles, for the first time in the history of the Republic of Kosovo is provided by the Criminal Law for juveniles in Kosovo, adopted in 2004. Although with many obstacles and shortcomings, the law on this category has been worked professionally for the time of its operation. This was the first time when this problem had a direct approach, as well as the importance of the issue would be regulated by the advanced standards of the Western Europe. By 2010, the state authorities in the Republic of Kosovo, Juvenile Courts, Police, Correctional Services, etc., refer precisely to this law.

In 2010 it is approved the Code of Juvenile Justice of the Republic of Kosovo, with many changes, which are in function of juveniles, and which serve to resettlement, rehabilitation and reintegration of juveniles in society, in the best way possible. Unlike the old law for juveniles, who had 157 articles, the new Code of Juvenile Justice contains 162 articles.

It should be noted that before the adoption of the Criminal Law for juveniles in 2004, in the Republic of Kosovo there were no model law that would regulate this phenomenon, and state authorities have encountered many difficulties when obtaining educational arrangements to juveniles, after the commission of criminal offenses.

In this paper we will study the execution of educational arrangements to juveniles, as well as to analyze and point out, through the research conducted at the Basic Court (former County) in Gjilan, for the period from 2007 to 2012 for arrangements which have been imposed upon juveniles in Gjilan with the surroundings.

We will try to explain and study the types of educational arrangements in which are included: disciplinary arrangements, arrangements of intensive supervision, institutional arrangements and their rehabilitation effect to juveniles, and arrangements of diversity. Also, in the second chapter we will talk about the role of courts and probation services, execution of educational arrangements to juveniles, as well as addressing the rights of juveniles during the period of corrective arrangements, their rights and obligations. While in the third chapter will examine, analyze and identify cases of the Basic Court in Gjilan.

The purpose of this paper

The main goal of this approach is to achieve a genuine reflection on the cases that have to do with juveniles; to make a comparison between years, that this deliberation will reflect. It will be examined the role of the probation service for the imposition and supervision of the execution of educational arrangements, the results achieved through the imposition of educational arrangements, etc.

The role of the court for the implementation of certain arrangements. The implementation of educational arrangements represents only a period of re-education process of juvenile offenders. The court is obliged to follow up the implementation of the imposed arrangements, and authorizes to terminate the imposed arrangements when they prove that they have succeeded, to replace them when it is necessary, with more appropriate arrangements which provide greater opportunities for the success of prevention.

Objectives of the study

The right not to be subjected to torture, cruel, inhuman or arbitrary punishment and the observance of international rules and European standards, is manifested in international, regional and penitentiary law of Kosovo.

We will focus on the specific content of these issues, but without being limited to the following:

elaboration of meaning for the recognition and notion of the topic content;

meanings, specific and distinctive definitions and the subject treatment forms;

what does the structure of the current legislation contain on the execution of educational arrangements to juveniles, focusing on each form and method specifically;

Probation cooperation with courts, prosecution offices and other institutions;

cooperation between the Municipal Court in Gjilan and Probation Service;

Tabular results of research.

Methodology and methods

Methodology is the process of using the roads, means and ways to come to the realization of a certain purpose. To achieve the goals of this study will be used some of the methods defined in advance. Working to achieve in theory, the method will be used in the first recognition of the dogmatic approach *, whereby achieve clarity on the subject, by definition scientific and legal sense, without excluding other contemporary methods. So with the help of the methods of observation and description, to provide a more complete picture through analysis, synthesis and

analogy. Besides scientific methods will be used appropriate methodological techniques, case studies, records and notes.

Expected results of the study

During the implementation of this study, I expect from the study material, as well as the study of works of juveniles aged during the mentioned period, I aim to achieve satisfactory results, which may serve me for a successful defense of the diploma thesis. I also believe that we will find answers to questions that:

How important are educational arrangements for resettlement of prisoners;

effects of penitentiary correctional arrangements for juveniles and family, and for society in general;

the role of the probation service for the imposition and supervision of the execution of educational arrangements against juveniles;

which rights are partially implemented or not implemented at all, the reasons and obstacles;

how valid are the rights and their full implementation during the implementation of educational arrangements in the countries of punishment, and how much do these arrangements affect the rehabilitation and re-socialization of prisoners;

and reaching conclusions on the appropriate recommendations that will emerge during the study and research.

CONCLUSIONS

In this theme we tried to treat educational arrangements, which are imposed on juveniles in the Republic of Kosovo. The study focused on educational arrangements, how they affect the rehabilitation, resettlement and reintegration of juveniles who have committed illegal offenses.

The drive and desires for the implementation of this theme have served to my interest and insatiable curiosity, to touch such an extremely sensitive phenomenon to us ... Sensitive for the present and future of young generations. And my secondary purpose, as far as I have noticed in our research environment, the occurrence of such juvenile nature, there was no proper access to the exposition, nor exhaustive studies. Why I stated this way? Because this phenomenon did not get enough attention, not for the value, importance and consequences that entails, and the necessity that this social category deserves, for the present and future of society.

Relying on imposition of educational arrangements and their importance during the imposition of such arrangements to juveniles, should keep in mind the dignity of juveniles, and to be respected and treated in the best possible way from the authorities, because of the age and their development in this early period.

Relevant bodies in imposing the kind of educational arrangements should aim that these arrangements to be imposed in such a way as to achieve a satisfactory result for improvement, rehabilitation and proper development of juvenile offender of the penal offense.

Arrangements that can be imposed on juvenile offenders are disciplinary arrangements, arrangements of intensive supervision and institutional arrangements.

Usually disciplinary arrangements were imposed against those juveniles who supposedly live in a civilized social environment. This measure the court shall impose to the perpetrator who has committed an easy criminal offense, and to whom rehabilitation effect can be achieved in this way.

Intensive supervision arrangements most commonly are applied in practice by judicial authorities because they are convenient and fight criminality of juveniles without depriving the right of juveniles to freedom.

Among the hardest arrangements which are imposed on a juvenile institutional arrangements. The imposition of this measure by the judicial authorities, the juvenile deals freedom and must be placed in an appropriate facility of his rehabilitation and education.

By neglecting literature and data, which has the Basic Court in Gjilan, which contain records only for educational arrangements, which are imposed on juveniles, it is of concern to society, because it is the large number of imposing educational arrangements, especially educational arrangements for the delivery in educational-correctional institution. However, it is known that this type of measure is also the hardest one, which may be imposed on a juvenile.

Ministry of Justice together with judicial authorities, the police of Kosovo and other competent authorities should introduce new policies regarding prevention of committing illegal acts.

Therefore, the authorities should do more, in order that this phenomenon to decrease drastically in favor of youth.

While serving the educational measure of juveniles, the probation service bodies, which are committed to the implementation of educational arrangements, should implement these arrangements with due seriousness and professionalism, because it serves as a preventive measure that in the future juveniles will express respect and enforce law and order.

To impose educational arrangements, competent authorities should always take into account the age of the child and his feeling for the criminal offense, the motive for committing the crime and his mood. Reintegration, rehabilitation and re-education of the teenager is to be the main target of courts when imposing this measure while respecting their rights, as they are provided and in the Penal Code for Juveniles International Conventions on Children's Rights and other agreements.

RECOMMENDATIONS

Some of the recommendations for state bodies are:

1. We recommend the institutions of Kosovo Probation Service, as at the local level, as well as those at the central level to a higher care, as well as qualitative interaction with educational institutions, elementary and secondary schools.
2. We recommend the institutions of the justice field, a higher efficiency, especially in terms of prevention, for the benefit of juveniles.
3. Tight interaction between, Kosovo Probation Service and Education Departments in municipalities.
4. Intensify interaction between Police, Probation Service, Prosecution and Courts.
5. Interaction between educational institutions, parents, activation and better functioning of the parent council.
6. Better cooperation between the police and community, for the early identification of potential individuals tending to commit offenses, their rehabilitation and re-socialization in a young age.
7. Treatment and additional education for educators, in order to develop and improve performance compared to students in elementary and secondary institutions.
8. Juvenile courts to adjudicate their cases at a time as short as possible and reasonable for the protection of juveniles from different psychological persecution.

After this series of recommendations, we can bring conclusion: that imposition of educational arrangements against juveniles in Kosovo in general, and in the Basic Court of Gjilan territory has increased, both in diversity manifest offenses, and in their number for each year.

State bodies, which are responsible for implementing educational arrangements against juveniles, as an example should be the year 2012. In this year were significantly pronounced educational arrangements less than in the previous years, studying, researching and analyzing the impact of educational arrangements to prevent the commission of unlawful acts by juveniles.

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Convention against Torture and Other Cruel, Inhuman or Degrading acts of 1984 (in force since 1987), (directly applicable in Kosovo under the Constitution of the Republic of Kosovo)

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